

REMARKS

In an Office Action dated May 28, 2002, which was faxed to Applicants on December 17, 2002, and for which a petition to revive is being submitted concurrently, claims 25-38, all of the claims under consideration in the subject patent application, were rejected. By amendment above, claims 30 and 32 have been rewritten and new claims 39 and 40 have been added. Support for claims 25-40, including amended claims 30 and 32 can be found in GB Application No. 9816899.0, filed August 5, 1998, from which Applicants claim priority, as indicated in the Appendix attached hereto.

Reconsideration of this application and allowance of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 30 and 32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. According to the Examiner, claims 30 and 32 recite the broad recitation "carrier material" and "disintegrants", respectively, followed by the linking term "including", while the claims also recite the narrower statement of the range/limitation "disintegrant" and "croscarmellose sodium and sodium starch glycolate", respectively. The Examiner further states that a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation in the same claim is considered indefinite. Claims 30 and 32 have been amended to cancel the narrower statement of the range/limitation from the claim. The narrower range or limitation is now claimed in new claims 39 and 40 which are dependent from claims 30 and 32.

Therefore, Applicants submit that claims 30 and 32 as amended more clearly define the subject matter of the which Applicants regard as the invention. Withdrawal of the rejection is respectfully requested.

Claims 25-38 were rejected under 35 U.S.C. § 102(a) as being anticipated by WO 98/34612. According to the Examiner, while the claims have been written to exclude the examples, the disclosure clearly shows Applicants' claimed composition. He states that the reference discloses a combination of Ibuprofen and Domperidone, compressed to a tablet wherein the carrier material comprises calcium phosphate, maize starch, and magnesium stearate. The Examiner therefore asserts that the scope of Applicants' claims clearly read on the prior art of record.

The current application claims priority from the GB Application No. 9816899.0, filed on August 5, 1998. All the claims of the current application are supported by the priority application as indicated above. The reference WO 98/34612 was published on August 13, 1998. As the claims of the present application are entitled to the priority date of August 5, 1998, the WO 98/34612 reference is not available as prior art with respect to these claims. Therefore, Applicants respectfully submit that claims 25-38 cannot be anticipated by WO 98/34612 under 35 U.S.C. §102(a). Withdrawal of the rejection is respectfully requested.

Claims 25-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 98/34612. According to the Examiner, the disclosure shows a suitable tablet formulation comprising a combination of Ibuprofen and Domperidone. In addition, the reference clearly shows what an exemplary tablet formulation would require, a diluent, a disintegrating agent, and

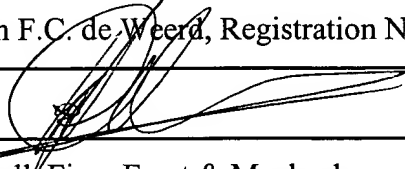
a lubricating agent. The Examiner thus asserts that it would have been obvious to one of ordinary skill in the art to modify the tablet formulations using particular combinations of said agents.

The current application, as indicated above, claims priority from the GB Application No. 9816899.0, filed on August 5, 1998, which disclosure supports all claims of the current application. Since the claims of the present application are entitled to the priority date of August 5, 1998 and the WO 98/34612 reference was published on August 13, 1998, the WO 98/34612 reference is simply not available as prior art with respect to these claims. Withdrawal of the rejection is respectfully requested.

The Examiner further notes that the application names joint inventors. In considering patentability of the claims under 35 U.S.C. §103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made. Applicants submit that the Examiner's presumption is correct.

Also, it was noted by the Examiner that the current application does not contain an abstract of the disclosure as required by 37 C.F.R. §1.72(b). Applicants submit herewith a copy of the abstract of the disclosure on a separate sheet as required.

Applicants submit that the present application, as revived through the concurrently submitted petition to revive, is now in condition for allowance. Reconsideration and favorable action are earnestly requested.

| RESPECTFULLY SUBMITTED, | | | | | |
|-------------------------|---|-----------|--------------|----------|----------------|
| NAME AND REG. NUMBER | Willem F.C. de Weerd, Registration No. 51,613 | | | | |
| SIGNATURE |  | | | DATE | March 11, 2003 |
| Address | Rothwell, Figg, Ernst & Manbeck 1425 K Street, N.W., Suite 800 | | | | |
| City | Washington | State | D.C. | Zip Code | 20005 |
| Country | U.S.A. | Telephone | 202-783-6040 | Fax | 202-783-6031 |

Amended Claims 30 and 32: Version with markings to show changes made

30. (Amended) A composition according to claim 25 comprising 20-60% by weight carrier material [including up to 15% of a discrete disintegrant material].
32. (Amended) A composition according to claim 25 comprising one or more discrete disintegrants [including croscarmellose sodium and sodium starch glycolate].